#### **EXHIBIT A**

# CHAPTER 20.05 PROCEDURES FOR LAND USE PERMIT APPLICATIONS, PUBLIC NOTICE, HEARINGS AND APPEALS

**Note:** This existing code section is revised to add temporary homeless encampment use permit to Table 1 and to add the associated footnote #2. Changes shown in italics.

#### 20.05.020 Classifications of land use decision processes.

- (1) Land use permit decisions are classified into four types, based on the amount of discretion associated with each decision. Procedures for the four different types are distinguished according to who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made, and whether administrative appeals are provided. The types of land use decisions are listed in Exhibit A of this section.
  - (a) Type 1 decisions are made by the director (director) of the department of community development (department). Type 1 decisions are non-appealable administrative decisions that require the exercise of little or no administrative discretion. For Type 1 decisions for which the department has issued a SEPA threshold determination, the issuance of any subsequent permits shall not occur until any allowed administrative appeal of the SEPA threshold determination is decided.
  - (b) Type 2 decisions are made by the director, or his or her designee. Type 2 decisions are discretionary decisions that are subject to administrative appeal in accordance with applicable provisions of law or ordinance.
  - (c) Type 3 decisions are quasi-judicial decisions made by the hearing examiner following an open record hearing. Type 3 decisions may be appealed to superior court.
  - (d) Type 4 decisions are quasi-judicial decisions made by the hearing examiner. Type 4 decisions may be appealed to the State Shoreline Hearings Board.

- (2) Except as provided in SMC 20.15.130(1)(f) and 25.35.060 or unless otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest numbered land use decision type applicable to the project application.
- (3) Certain development proposals are subject to additional procedural requirements beyond the standard procedures established in this chapter.
- (4) Land use permits that are categorically exempt from review under the State Environmental Policy Act (SEPA) will not require a threshold determination (determination of nonsignificance (DNS) or determination of significance (DS)). For all other projects, the SEPA review procedures codified in Chapter 20.15 SMC are supplemental to the procedures set forth in this chapter.

Exhibit A

LAND USE DECISION TYPE

Type 1	Decision by director, no administrative appeal	Building; clearing and grading; boundary line adjustment; temporary use; TDR sending site certification; right-of-way; road variance except those rendered in conjunction with a subdivision or short plat decision <sup>1</sup> ; variance from the requirements of Chapter 9.04 KCC as adopted by Chapter 15.05 SMC; shoreline exemption; approval of a conversion harvest plan; <i>temporary homeless encampment use permit</i> <sup>2</sup>
Type 2	Decision by director appealable to hearing examiner, no further administrative appeal	Short plat; road variance decisions rendered in conjunction with a short plat decision; zoning variance; conditional use permit; shoreline substantial development permits (SSDPs); procedural and substantive SEPA decision; site development permit; approval of residential density incentives; reuse of public schools; reasonable use exceptions under SMC 21A.50.070(2); preliminary

		determinations under SMC 20.05.030(3); critical areas exceptions and decisions to require studies or to approve, condition or deny a development proposal based on the requirements of Chapter 21A.50 SMC; binding site plan; unified zone development plan under Chapter 21B.95 SMC <sup>3</sup>
Type 3	Recommendation by director, hearing and decision by hearing examiner appealable to superior court	Preliminary plat; plat alterations; preliminary plat revisions; plat vacations; zone reclassifications <sup>4</sup> ; urban planned development; special use
Type	Recommendation by director, hearing and decision by hearing examiner appealable to the State Shoreline Hearings Board	Shoreline variances; shoreline conditional use permits

<sup>&</sup>lt;sup>1</sup> The road variance process is administered by the City engineer pursuant to the City's street standards as set forth in the public works standards.

(Ord. O2011-297 § 1 (Att. A); Ord. O2010-293 § 1 (Att. A); Ord. O2009-249 § 1; Ord. O2004-150 §§ 1 – 4; Ord. O2000-63 §§ 1, 2, 3; Ord. O99-29 § 1)

<sup>&</sup>lt;sup>2</sup> Subject to the notice requirements of 21A.70.195(4)

<sup>&</sup>lt;sup>3</sup> Subject also to the procedural requirements of SMC <u>20.05.037</u> and Chapter <u>21B.95</u> SMC.

<sup>&</sup>lt;sup>4</sup> Approvals that are consistent with the interim comprehensive plan may be considered by the examiner at any time. Zone reclassifications that are not consistent with the interim comprehensive plan require a site-specific land use map amendment and the City council's hearing and consideration will be scheduled with the amendment to the interim comprehensive plan pursuant to SMC 24.25.040 and 24.25.050.

# CHAPTER 21A.15 TECHNICAL TERMS AND LAND USE DEFINITIONS

**Note:** New definitions added to existing Chapter 21A.15

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# 21A.15.613 Homeless encampment.

"Homeless Encampment" means a site for a group of homeless persons temporarily residing on a site, either out of doors or in a building.

. . .

# 21A.15.733 Managing agency.

"Managing Agency" means an organization that is responsible for organizing and managing a Homeless Encampment. (Note: The Managing Agency may be the same entity as the Sponsor.)

# 21A.15.734 Master telecommunications plan.

"Master telecommunications plan" means a plan developed to establish public policy and applicable development standards related to the deployment of wireless telecommunications infrastructure. (Ord. O2005-181 § 1)

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# 21A.15.983 Religious organization.

"Religious Organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

. . .

# 21A.15.1208 Sponsor.

"Sponsor" means an entity that is hosting a Homeless Encampment on property it owns or controls and that serves as a liaison with the surrounding community.

# CHAPTER 21A.70 NONCONFORMACE, TEMPORARY USES, AND RE-USE OF FACILITIES

Note: New section 195 and 010(3) added to existing Chapter 21A.70

Sections:	
21A.70.010	Purpose.
21A.70.020	Nonconformance – Applicability.
21A.70.030	Nonconformance – Creation, continuation, and forfeiture of nonconformanc status.
21A.70.040	Nonconformance – Abatement of illegal use, structure or development.
21A.70.050	Nonconformance – Re-establishment of discontinued nonconforming use, or
2171.70.030	damaged or destroyed nonconforming structure or site improvement.
21A.70.060	Nonconformance – Modifications to nonconforming use, structure, or site
	improvement.
21A.70.070	Nonconformance – Expansions of nonconforming uses, structures, or site
	improvements.
21A.70.080	Nonconformance – Required findings.
21A.70.090	Nonconformance – Residences.
21A.70.100	Temporary use permits – Uses requiring permits.
21A.70.110	Temporary use permits – Exemptions to permit requirement.
21A.70.120	Temporary use permits – Duration and frequency.
21A.70.130	Temporary use permits – Parking.
21A.70.140	Temporary use permits – Traffic control.
21A.70.150	Temporary construction buildings.
21A.70.160	Temporary construction residence.
21A.70.170	Temporary mobile home for medical hardship.
21A.70.180	Temporary real estate offices.
21A.70.190	Temporary school facilities.
21A.70.195	Temporary homeless encampment use permit
21A.70.200	Re-use of facilities – General standards.
21A.70.210	Re-use of facilities – Re-establishment of closed public school facilities.

# 21A.70.010 Purpose.

The purposes of this chapter are to:

- (1) Establish the legal status of a nonconformance by creating provisions through which a nonconformance may be maintained, altered, reconstructed, expanded or terminated;
- (2) Provide for the temporary establishment of uses that are not otherwise permitted in a zone and to regulate such uses by their scope and period of use;

- (3) Provide a permitting process and standards for homeless encampments for homeless persons, consistent with state laws, whether the cause of homelessness is related to social/economic issues or to a natural disaster; and
- (4) Encourage the adaptive re-use of existing public facilities that will continue to serve the community, and to ensure public review of redevelopment plans by allowing:
  - (a) Temporary re-use of closed public school facilities retained in school district ownership, and the reconversion of a temporary re-use back to a school use;
  - (b) Permanent re-use of surplus nonresidential facilities (e.g., schools, fire stations, government facilities) not retained in school district ownership; or
  - (c) Permanent re-use of historic structures listed on the National Register or designated as county landmarks. (Ord. O99-29 § 1)

#### 21A.70.195 Temporary homeless encampment use permit.

Homeless Encampments are allowed only pursuant to a Homeless Encampment Use Permit, which shall be a Type I permit issued by the Director in accordance with the following conditions:

- (1) For the purposes of this section a Homeless Encampment may only be hosted by a Religious Organization, and must be located on real property owned or controlled by the Religious Organization.
- (2) Duration and frequency.
  - (a) No Homeless Encampment shall operate within the City of Sammamish for more than three (3) calendar months, except that the Director may allow up to five (5) additional days to accommodate moving onto or off a site.
  - (b) The Director shall not grant a Homeless Encampment Use Permit that is proposed to commence on a site that contained a Homeless Encampment within the last eighteen (18) calendar months. For the purposes of this subsection, the 18 months shall be calculated from the first day of the prior Homeless Encampment's occupancy.
  - (c) No more than one Homeless Encampment may be located in the City at any time.
  - (d) No more than two Homeless Encampments within the city limits shall be allowed in a 365 day period.

- (3) All Homeless Encampments shall obtain, prior to occupancy, all applicable City of Sammamish and other agency permits, licenses and approvals.
- (4) Permit process requirements.
  - (a) Neighborhood meeting. The applicant shall conduct a neighborhood meeting to inform nearby residents and the public about the proposed Homeless Encampment prior to submittal of an application.
    - (i) The applicant shall provide notice of the neighborhood meeting by mail, first class and postage prepaid, to all owners of real property within 500 feet of the lot(s) containing the proposed Homeless Encampment, provided such area shall be expanded as necessary to send mailed notices to at least 20 different property owners. The notice of the neighborhood meeting shall be mailed at least fifteen (15) days prior to the neighborhood meeting.
    - (ii) Prior to the neighborhood meeting, the Sponsor and Managing Agency shall meet and confer with the Sammamish police department; the administration of any public or private elementary, middle, junior high, high school; and the operators of any properly licensed child care service, within 500 feet of the boundaries of the proposed site regarding the neighborhood meeting and any proposed security measures for the Homeless Encampment.
    - (iii) At the neighborhood meeting, a representative of the Sponsor and Managing Agency shall present in writing and verbally the proposed Homeless Encampment location, timing, site plan, code of conduct, encampment concerns, and management security measures. The presentation shall also include all comments received on the proposed Homeless Encampment, including comments from the Sammamish police department, schools, and child care services. Copies of the agenda and other materials shall be provided by the applicant at the meeting. The meeting shall be conducted on the proposed Homeless Encampment site whenever feasible.
  - (b) Application. An applicant shall submit a complete application for a Homeless Encampment Use Permit at least thirty (30) days before the occupancy of a Homeless Encampment.
  - (c) Notice of Application. The City shall provide a notice of application per the mailed notice requirements of SMC 20.05.060(7).
  - (d) Warrant and sex offender checks. Managing Agencies shall obtain warrant and sex offender checks from the King County Sheriff's Office ("Warrant Check") for all Homeless Encampment residents. For Homeless Encampment residents initially

moving onto the site with the Homeless Encampment, the Warrant Check must be completed seven (7) day prior to the Homeless Encampment moving onto the site. For residents moving into the Homeless Encampment during the permit period, the Warrant Check must be completed upon the new resident moving on site. If a Warrant Check reveals a Homeless Encampment resident or prospective resident is a sex offender or has an active warrant, the Managing Agency or Sponsor shall immediately contact the City of Sammamish police department. The Sponsor shall be responsible for verifying that the Warrant Checks occurs.

# (5) Parking and transportation.

- (a) Each lot occupied by a Homeless Encampment must provide or have available parking and vehicular maneuvering area.
- (b) A Homeless Encampment and the parking of any vehicles associated with a Homeless Encampment shall not displace the Sponsor site's parking lot in such a way that the Sponsor site no longer meets the minimum or required parking of the principal use as required by code or previous approvals unless an alternative parking plan has been approved by the Director.
- (c) The Sponsor or Managing Agency shall submit a plan with the permit application demonstrating the ability for residents to obtain access to the nearest public transportation stop.
- (6) Maximum Occupancy. A Homeless Encampment shall be limited to a maximum number of persons, not to exceed 100 persons, depending on the conditions of the proposed site. After a Homeless Encampment reaches its maximum capacity, any individual who arrives after sundown (and who meets all screening criteria) will be allowed to stay for one night, after which the individual shall not be permitted entry until a vacancy is available. Such occurrences shall be logged and reported to the Director on a weekly basis.
- (7) Minor Residents. No children under the age of 18 shall be allowed to stay overnight in a Homeless Encampment unless accompanied by a parent or legal guardian. If any other child under the age of 18 attempts to stay overnight at a Homeless Encampment, the Managing Organization shall immediately contact the Washington State Department of Social and Health Services Child Protective Services, or its successor.
- (8) Structures. Any permanent structures, as determined by the Director, shall meet the requirements of all SMC provisions and receive any necessary permits. All temporary structures for Homeless Encampments shall comply with the following requirements:

- (a) Homeless Encampment structures and facilities shall be located a minimum of 20 feet away from any property line, unless otherwise approved by the Director.
- (b) A six-foot-high sight-obscuring fence, vegetative screen or other visual buffering shall be provided between a Homeless Encampment and any abutting residential property. The Director shall consider existing vegetation, fencing, topographic variations and other site conditions in determining compliance with this requirement and may modify the fence requirement when the objective is achieved by other means.
- (c) Exterior lighting must be directed downward, away from adjoining properties, and contained within the Homeless Encampment.
- (d) If the Homeless Encampment includes tents or membrane structures in excess of 400 square feet, or canopies in excess of 400 square feet, as defined by the International Fire Code, permit and approval for the tent, canopy or membrane structure shall be obtained from the fire marshal.
- (9) Smoking Area. A designated smoking area shall be provided on site in the location which would result in the least impact on neighboring properties based on distance.
- (10) Debris. Each site occupied by a Homeless Encampment shall be left free of debris, litter, or other evidence of the Homeless Encampment upon the Homeless Encampment moving from the site.
- (11) Health Department Compliance. Homeless Encampments shall comply with all applicable standards of the Seattle-King County health department, or its successor.
- (12) Code Compliance and Hours of Service. Homeless Encampments shall comply with all codes and regulations of the state of Washington, City, and other agencies with jurisdiction concerning, but not limited to, drinking water connections, human waste, solid waste disposal, electrical systems, cooking food handling and fire-resistant materials. Servicing of portable toilets and trash dumpsters is prohibited between the hours of 10:00 p.m. and 7:00 a.m. on Mondays through Fridays; and between the hours of 10:00 p.m. and 9:00 a.m. on Saturdays, Sundays, and legal holidays; except in the case of bona fide emergency or under the terms of a permit condition approved by the Director in the case of demonstrated necessity.
- (13) Inspections. Homeless Encampments shall permit regular inspections by regulatory personnel, including but not limited to, City staff, police department, fire department, King County Health department, and any other regulatory agencies with jurisdiction to check for permit and other code compliance by the Homeless Encampment.

- (14) Required Services. Homeless Encampments shall have services such as food, water, and waste disposal supervised by the Sponsor or Managing Agency.
- (15) Resident Log. The Managing Agency shall maintain a resident log of all people residing at the Homeless Encampment. Such log shall be kept on site at the Homeless Encampment. Prospective encampment residents shall provide a verifiable form of identification when signing the log. The Sponsor shall be responsible for verifying that the log is being kept and that verifiable forms of identification are being provided.
- (16) Code of Conduct. Sponsors and Managing Agencies shall ensure enforcement of a code of conduct at Homeless Encampment sites. The code of conduct shall substantially include the following:
  - (a) Possession or use of illegal drugs is not permitted;
  - (b) No alcohol is permitted;
  - (c) No weapons are permitted;
  - (d) All knives over three and one-half inches must be turned in to the Managing Agency for safekeeping;
  - (e) No violence is permitted;
  - (f) No open flames are permitted;
  - (g) No trespassing onto private property in the surrounding neighborhood is permitted;
  - (h) No littering on the Homeless Encampment site or in the surrounding neighborhood is permitted; and
  - (i) No convicted sex offender shall reside in the homeless encampment.

Nothing within this section shall prohibit a Sponsor or Managing Agency from imposing and enforcing additional code of conduct conditions not otherwise inconsistent with this section.

(17) Permit Violation Process. Upon a determination that there has been a violation of any condition of permit approval, the Director may give written notice to the Sponsor describing the alleged violation pursuant to SMC Title 23 and other applicable code authority. Any violation of a subsequently issued stop work order under SMC 23.70 is declared a nuisance and may be enjoined by revocation of the Homeless Encampment Use Permit and vacation of the site by the Homeless Encampment.

- (18) Health and Safety Permit Conditions. The Director may modify or establish any requirements necessary to mitigate impacts from Homeless Encampments on the public health and safety in accordance with the purpose of this chapter.
- (19) Application. An applicant for a Homeless Encampment permit shall submit all of the following, unless modified by the Director:
  - (a) Application form for a Homeless Encampment Use Permit;
  - (b) A site plan, which extends 50 feet beyond the proposed site's property boundaries, drawn to scale showing all of the following:
    - (i) All existing structures;
    - (ii) Existing parking stalls;
    - (iii) Parking stalls proposed to be unavailable for parking vehicles during the homeless encampment;
    - (iv) All proposed temporary structures;
    - (v) Proposed electrical and plumbing connections;
    - (vi) Location of trash receptacles, including trash dumpsters;
    - (vii) Location of toilets and other sanitary facilities;
    - (viii) Location and details of any proposed connection to wastewater, potable water, stormwater, electrical supply, or other public or private utility systems;
    - (ix) Proposed and existing ingress and egress;
    - (x) Any permanent alterations on the lot to the site or structures; and
    - (xi) A designated smoking area; and
    - (xii) Access routes for emergency vehicles.
  - (c) Proposed fencing or screening detail or typical section;
  - (d) Written authorization from the Sponsor on whose property the Homeless Encampment is to be located;
  - (e) A copy of any agreements with other parties regarding use of parking, either on site or off site;

- (f) A copy of any agreement between the Sponsor, the Managing Agency, and any schools and/or child care services;
- (g) A copy of the code of conduct;
- (h) The applicant shall provide the following neighborhood meeting documentation:
  - (i) The date, time, and location of the meeting;
  - (ii) Contact information for all persons representing the Managing Agency and Sponsor at the meeting;
  - (iii) A summary of comments provided for the meeting attendees by the applicant, Managing Agency or Sponsor prior to or during the meeting;
  - (iv) A summary of comments received from meeting attendees or other person prior to or during the meeting; and
  - (iv) Copies of documents submitted or presented at the meeting.
- (i) Any other information deemed necessary by the Director to protect public health and safety for the processing of a Homeless Encampment Use Permit; and
- (j) Application filing fees in an amount established by City resolution.
- (20) Modification for Catastrophic Event. The Director may modify these requirements as necessary for the public health and safety when a catastrophic event necessitates the immediate establishment of a Homeless Encampment.